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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/678,896	10/02/2003	Vinod Valloppillil	3399P111X	2345

26529 7590 02/09/2007
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EXAMINER

SANTIAGO CORDERO, MARIVELISSE

ART UNIT	PAPER NUMBER
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2617

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/09/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/678,896

Applicant(s)

VALLOPILLIL ET AL.

Examiner

Marivelisse Santiago-Cordero

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18, 21-31, 33-45, 54, 55 and 57-61 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18, 21-31, 33-45, 54, 55 and 57-61 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 January 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/6/06 has been entered.

Information Disclosure Statement

2. The references cited in the Information Disclosure Statement (IDS) filed on 9/29/06 have been considered.

Response to Arguments

3. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Applicant requests that the objection to the drawings by the Draftsperson under 37 CFR 1.84 or 1.152 be held in abeyance until the application is otherwise deemed allowable (Remarks: page 11, 2nd full paragraph). However, objections to the drawings in a utility or plant application will not be held in abeyance, and a request to hold objections to the drawings in abeyance will not be considered a *bona fide* attempt to advance the application to final action. See MPEP 608.02(b), 37 CFR 1.85.

Drawings

4. The drawings stand objected to by the Draftsperson under 37 CFR 1.84 or 1.152 (see form PTO-948 mailed on 1/27/06).

Claim Objections

5. Claims 7-9 and 15 are objected to because of the following informalities: the term "resource" (Claim 7, lines 3 and 4; Claim 8, line 3; Claim 9, line 1; Claim 15, line 1) should be replaced with --content-- in order to be consistent with claim terminology. Appropriate correction is required.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 4-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 4-6, it is not clear that if the predetermined telephone number is a telephone number of an entity other than an end user, then how the message is not sent (i.e., without sending the message) to an entity associated with the specified destination telephone number, which corresponds to that predetermined telephone number. It appears that if the predetermined telephone number is a telephone number of an entity other than an end user (claim 4), such as a network operator (claim 5) or a wireless carrier (claim 6), then the message needs to be sent to that entity in order to do the steps of identifying and sending content as stated in claim 1. To further support the Examiner's position, see e.g., claim 12 which requires a message to be directed to a destination telephone number of a network entity other than an end user.

If Applicant disagrees with this depiction, then clarification is respectfully requested, e.g., what structure or means is performing the mentioned steps.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1-7, 10-11, 54-55, and 57-60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith (cited in form PTO-892, paper no. 20050113) in view of Chern et al. (hereinafter "Chern"; Patent No.: US 6,456,854).

Regarding claim 1, Smith discloses a method comprising:

receiving a message sent over a network by a first user from a mobile device (paragraph [0024]), the message conforming to an asynchronous messaging protocol for sending person-to-person messages between mobile devices (paragraph [0008]; note that e-mail is an asynchronous messaging protocol);

identifying a specified destination telephone number of the message (paragraph [0024]);

determining whether the specified destination telephone number corresponds to a predetermined telephone number (paragraph [0024]);

if the specified destination telephone number corresponds to the predetermined telephone number, then using an indicator in the message to identify network-based content that has been published by a second user (paragraphs [0021]-[0025]; note that when the second user registers, it is publishing the location in the HLR for the first user to request), and

sending the network-based content to the first user in response to the message (paragraphs [0024]-[0025]), without sending the message to an entity associated with the specified destination telephone number (paragraphs [0024]-[0025]).

Smith fails to specifically disclose content **that has been published by a second user**.

However, in the same field of endeavor, Chern discloses content that has been published by a second user (col. 1, line 57 through col. 2, line 6; col. 6, lines 10-15 and 55-59; note that “a user” (col. 6, line 12) is read as the claimed second user and the “authorized users” (col. 6, line 55-59) is read as the first user).

Therefore, it would have been obvious to one of ordinary skill in this art at the time of invention by applicant to publish the content of Smith by a second user as suggested by Chern for the advantages of selectively making information available to others (Chern: col. 6, lines 10-20).

Regarding claim 3, in the obvious combination, Smith discloses wherein the entity associated with the specified destination telephone number is a network-based application or an end-user (paragraph [0024]).

Regarding claim 4, the obvious combination fail to specifically disclose wherein the predetermined telephone number is a telephone number of an entity other than an end user. However, Chern discloses connecting to an entity other than an end user (Fig. 7; col. 6, lines 55-63; col. 7, lines 21-29); note the Web 150), but fail to specifically disclose a telephone number.

Nonetheless, the Examiner takes Official Notice of the fact that was notoriously well known in the art at the time of invention by applicant to use telephone numbers for dial-up and service provision to the Internet, such as Chern’s Web 150 (Fig. 7). Therefore, it would have

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been obvious to one of ordinary skill in this art at the time of invention by applicant to use a telephone number of an entity, such as Web Server of Chern, for the advantages of dial-up and service provision to the Internet.

Regarding claim 5, in the obvious combination, Chern discloses wherein the predetermined telephone number is a telephone number of a network operator (Fig. 7; col. 7, lines 21-29; note that by connecting to the Web 150 for access to Web Server 136, the connection should to be through a network operator, which provides the service).

Regarding claim 6, in the obvious combination, Chern discloses wherein the predetermined telephone number is a telephone number of a wireless carrier (Fig. 7; col. 7, lines 21-29; note that connecting to a wireless carrier is inherently present for the provision of services).

Regarding claim 7, in the obvious combination, Smith discloses wherein the message includes a telephone number of the second user (paragraph [0024]), and wherein the indicator comprises the telephone number of the second user (paragraph [0024]), such that said using an indicator in the message to identify a network-based resource comprises using the telephone number of the second user to identify the network-based resource (paragraph [0024]).

Regarding claim 10, Smith discloses wherein the method is performed within an intermediary processing system that couples a wireless network to a wireline computer network (Fig. 5; paragraph [0045]).

Regarding claim 11, in the obvious combination, Smith discloses wherein the indicator comprises a keyword (paragraph [0024]).

Regarding claim 54, Smith discloses a method of providing a directory of published content to a user of a mobile device operating on a wireless network, the method comprising:

receiving a first message from a first mobile device via the wireless network (paragraph [0024]), the first message initiated by a first user using the first mobile device (paragraph [0024]), the first message conforming to an asynchronous messaging protocol for sending person-to-person messages between mobile devices (paragraph [0008]; note that e-mail is an asynchronous messaging protocol);

detecting a predetermined indicator in the first message (paragraph [0024]), wherein the predetermined indicator indicates that the first message is not to be sent to a second mobile device associated with a destination telephone number of the first message but to request content (paragraph [0024]); and

in response to detecting the predetermined indicator in the first message, identifying a set of network-based content (paragraphs [0021]-[0024]), and sending to the first mobile device a second message identifying the set of network-based content, as a response to the first message (paragraphs [0024]-[0025]), the second message conforming to said protocol (paragraphs [0008] and [0025]).

Smith fails to specifically disclose content **that has been published by a second user of the second mobile device.**

However, in the same field of endeavor, Chern discloses content that has been published by a second user of the second mobile device (col. 1, line 57 through col. 2, line 6; col. 6, lines 10-15 and 55-59; note that “a user” (col. 6, line 12) is read as the claimed second user and the “authorized users” (col. 6, line 55-59) is read as the first user).

Therefore, it would have been obvious to one of ordinary skill in this art at the time of invention by applicant to publish the content of Smith by a second user of the second mobile device as suggested by Chern for the advantages of selectively making information available to others (Chern: col. 6, lines 10-20).

Regarding claim 57, in the obvious combination, Smith discloses wherein the predetermined indicator comprises a keyword (paragraph [0024]).

Regarding claim 58, Smith discloses a processing system comprising:

- a communications interface (paragraphs [0024]-[0025]; note that by receiving and sending information, a communications interface is inherently present);

- a processor (note that this is inherently present given that the system performs a process, the process would be implemented by a processor);

- a memory storing software which, when executed by the processor, causes the processing system to execute a process that includes

- receiving a first message from the mobile device via the wireless network through the communications interface (paragraph [0024]), the first message conforming to an asynchronous messaging protocol for sending person-to-person messages between mobile devices (paragraph [0008]; note that e-mail is an asynchronous messaging protocol), the message having a destination telephone number assigned to an end user (paragraph [0024]);

- detecting a predetermined indicator in the first message (paragraph [0024]), wherein the predetermined indicator indicates that the first message is not to be sent to the end user but to request content associated with the end user (paragraph [0024]); and

in response to detecting the predetermined indicator in the first message, identifying a network-based content (paragraphs [0021]-[0024]), and sending a second message identifying network-based content to the mobile device (paragraphs [0024]-[0025]), as a response to the first message (paragraphs [0024]-[0025]), the second message conforming to said protocol (paragraphs [0008] and [0025]).

Smith fails to specifically disclose content **published by the end user**.

However, in the same field of endeavor, Chern discloses content published by the end user (col. 1, line 57 through col. 2, line 6; col. 6, lines 10-15 and 55-59; note that "a user" (col. 6, line 12) is read as the claimed end user).

Therefore, it would have been obvious to one of ordinary skill in this art at the time of invention by applicant to publish the content of Smith by the end user as suggested by Chern for the advantages of selectively making information available to others (Chern: col. 6, lines 10-20).

Regarding claims 2, 55, and 59, Smith in combination with Chern discloses the methods of claims 1 and 54 and the system of claim 58, respectively (see above). Smith in combination with Chern fails to specifically disclose wherein the messaging protocol is multimedia messaging system (MMS), and the messages are MMS messages.

Smith does disclose that the messages may be e-mail (paragraph [0008]) or SMS messages (paragraph [0025]); all well-known types of asynchronous messaging protocol.

However, the Examiner takes Official Notice of the fact that at the time the invention was made it was well-known in the art to use MMS messages since MMS has evolved from the popularity of the SMS and it's a standard for sending and receiving multimedia messages which

can include any combination of formatted text, images, photographs, audio, and video clips. See e.g., Skog et al. (Pub. No. US 2002/0126708 cited in IDS filed on 3/30/2004).

Moreover, MMS messaging encompasses a wide range of content types making it easily adoptable for today's generation of mobile users and the message is a multimedia presentation in a single entry, making it much simpler and user-friendly. Therefore, it would have been obvious to one of ordinary skill in this art at the time the invention was made to use MMS messaging protocol and MMS messages for the reasons and motivations stated above.

Regarding claim 60, Smith discloses wherein the predetermined indicator comprises a keyword (paragraph [0024]).

10. Claims 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith in combination with Chern, as applied to claim 4 above, and further in view of Vatanen et al. (hereinafter "Vatanen"; cited in form PTO-892, paper no. 20050113).

Regarding claim 8, Smith in combination with Chern discloses the method of claim 4 (see above), but fails to disclose wherein the indicator comprises a cryptographic identifier of the network-based content, the method further comprising using the cryptographic identifier to identify the network-based resource.

However, Vatanen discloses an indicator comprising a cryptographic identifier of the network-based content, the method further comprising using the cryptographic identifier to identify the network-based resource (paragraph [0006]).

Therefore, it would have been obvious to one of ordinary skill in this art at the time of invention by applicant to incorporate in the indicator of Smith in combination with Chern a cryptographic identifier as suggested by Vatanen for the advantages of insuring that the message

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will not be visible in plain or unencrypted form to outsiders or unintended third parties (Vatanen: paragraph [0006]), hence, providing a more secure and safer transmission.

Regarding claim 9, in the obvious combination, Vatanen discloses wherein the network-based resource is identified based only on the cryptographic identifier (paragraph [0006]). Therefore, it would have been obvious to one of ordinary skill in this art at the time of invention by applicant to incorporate based only the network-based resource of Smith in combination with Chern on the cryptographic identifier as suggested by Vatanen for the advantages of insuring that the message will not be visible in plain or unencrypted form to outsiders or unintended third parties (Vatanen: paragraph [0006]), hence, providing a more secure and safer transmission.

11. Claims 12-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thakker (cited in form PTO-892, paper no. 112505) in views of Smith and Chern.

Regarding claim 12, Thakker discloses a method of providing access to network-based content, the method being performed in a processing system coupled to a wireless network and to a wireline computer network (Fig. 3), the method comprising:

receiving a message (Fig. 3, reference 140a) sent over the wireless network by a first end user from a mobile device (Fig. 3, reference 20), the message conforming to an asynchronous messaging protocol for sending person-to-person messages between mobile devices (Fig. 3, reference 140a; note that SMS is an asynchronous messaging protocol for sending person-to-person messages between mobile devices);

identifying a destination telephone number to which the message is directed (col. 3, lines 52-57; col. 4, lines 3-6), wherein the destination telephone number is a telephone number of a

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network entity other than an end user (col. 4, lines 3-6); determining whether the destination telephone number corresponds to a predetermined number (col. 4, lines 3-6);

if the destination telephone number corresponds to the predetermined number, then identifying a predetermined indicator in the message (col. 4, lines 17-28 and col. 5, lines 6-10), using the predetermined indicator in the message to identify network-based content that has been published by the second end user (col. 4, lines 17-23 and col. 5, lines 6-10; note that the information is inherently published by a second user), and sending the network-based content to the first end user (col. 5, lines 14-17).

Thakker fails to specifically disclose the message including a telephone number of a second end user and using the telephone number of the second end user in the message to identify network-based content.

However, Smith discloses a method for providing access to a network based content comprising: receiving a message sent over the wireless network by a first end user from a mobile device message (paragraph [0024]), the message conforming to an asynchronous messaging protocol for sending person-to-person messages between mobile devices (paragraphs [0008] and [0024]), the message including a telephone number of a second end user (paragraph [0024]), identifying a predetermined indicator in the message (paragraph [0024]), using the telephone number of the second end user and the predetermined indicator in the message to identify network-based content (paragraphs [0024]-[0025]), and sending the network-based content to the first user (paragraphs [0024]-[0025]).

Therefore, it would have been obvious to one of ordinary skill in this art at the time of invention by applicant to include in the message of Thakker a telephone number of a second end

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user and using the telephone number of the second end user in the message to identify network-based content as suggested by Smith for the advantages of receiving information of the second user (Smith: paragraph [0018]) and facilitating access and correspondence of requested data.

Further, even when Thakker, in the obvious combination, inherently discloses content that has been published by a second end user, in the same field of endeavor, Chern discloses content that has been published by a second end user (col. 1, line 57 through col. 2, line 6; col. 6, lines 10-15 and 55-59; note that "a user" (col. 6, line 12) is read as the claimed second user and the "authorized users" (col. 6, line 55-59) is read as the first user).

Therefore, it would have been obvious to one of ordinary skill in this art at the time of invention by applicant to publish the content of Thakker in combination with Smith by a second user as suggested by Chern for the advantages of selectively making information available to others (Chern: col. 6, lines 10-20).

Regarding claim 13, Thakker discloses wherein the predetermined destination is a telephone number of a network operator (col. 3, lines 52-57 and col. 4, lines 7-11).

Regarding claim 14, Thakker discloses wherein the predetermined destination is a telephone number of a wireless carrier (col. 3, lines 52-57 and col. 4, lines 7-11).

Regarding claim 15, in the obvious combination, Smith discloses wherein the network based resource has been previously associated with the telephone number of the second end user and the predetermined indicator by the second end user (paragraphs [0023]-[0024]). Therefore, it would have been obvious to one of ordinary skill in this art at the time of invention by applicant to previously associated with the telephone number of the second end user and the predetermined

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indicator by the second end user as suggested by Smith for the advantages of facilitating access and correspondence of requested data.

Regarding claim 16, the references in the obvious combination fail to disclose wherein the messaging protocol is multimedia messaging system (MMS) and the message is an MMS message. Nonetheless, Thakker does disclose wherein the messaging protocol is SMS and the message is an SMS message (Thakker: Fig. 2, reference 140a).

However, the Examiner takes Official Notice of the fact that at the time the invention was made it was well-known in the art to use MMS messaging protocol and MMS messages since MMS has evolved from the popularity of the SMS and it's a standard for sending and receiving multimedia messages which can include any combination of formatted text, images, photographs, audio, and video clips. See e.g., Skog et al. (Pub. No. US 2002/0126708 cited in IDS filed on 3/30/2004). Moreover, MMS messaging encompasses a wide range of content types making it easily adoptable for today's generation of mobile users and the message is a multimedia presentation in a single entry, making it much simpler and user-friendly. Therefore, it would have been obvious to one of ordinary skill in this art at the time the invention was made to use MMS messaging protocol and MMS messages for the reasons and motivations stated above.

Regarding claim 17, Thakker discloses wherein the predetermined indicator comprises a keyword (col. 4, lines 17-28).

12. Claims 18 and 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thakker in view of Chern.

Regarding claim 18, Thakker discloses a method of providing access to network-based content, the method being performed in a processing system coupled to a wireless network and to a wireline computer network (Fig. 3), the method comprising:

receiving a message (Fig. 3, reference 140a) sent over the wireless network by a first end user from a mobile device (Fig. 3, reference 20), the message conforming to an asynchronous messaging protocol for sending person-to-person messages between mobile devices (Fig. 3; note that SMS is asynchronous);

identifying a destination telephone number to which the message is directed (col. 3, lines 52-57; col. 4, lines 3-6);

determining whether the destination telephone number corresponds to a telephone number of a wireless carrier (col. 3, lines 52-57; col. 4, lines 3-6; note that the ISP can be fairly characterized as the wireless carrier);

if the destination telephone number corresponds to the telephone number of the wireless carrier, then identifying a predetermined indicator in the message (col. 4, lines 17-28 and col. 5, lines 6-10), using the predetermined indicator to identify network-based content previously published by a second end user (col. 4, lines 17-23 and col. 5, lines 6-10; note that the information is inherently published by a second user), and sending the network-based content to the first end user (col. 5, lines 14-17).

Even when Thakker inherently discloses content that has been published by a second end user, in the same field of endeavor, Chern discloses content that has been published by a second end user (col. 1, line 57 through col. 2, line 6; col. 6, lines 10-15 and 55-59; note that "a user"

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(col. 6, line 12) is read as the claimed second user and the "authorized users" (col. 6, line 55-59) is read as the first user).

Therefore, it would have been obvious to one of ordinary skill in this art at the time of invention by applicant to publish the content of Thakker by a second user as suggested by Chern for the advantages of selectively making information available to others (Chern: col. 6, lines 10-20).

Regarding claim 21, Thakker fails to disclose wherein the messaging protocol is multimedia messaging system (MMS) and the message is an MMS message. Nonetheless, Thakker does disclose wherein the messaging protocol is SMS and the message is an SMS message (Thakker: Fig. 2, reference 140a).

However, the Examiner takes Official Notice of the fact that at the time the invention was made it was well-known in the art to use MMS messaging protocol and MMS messages since MMS has evolved from the popularity of the SMS and it's a standard for sending and receiving multimedia messages which can include any combination of formatted text, images, photographs, audio, and video clips. See e.g., Skog et al. (Pub. No. US 2002/0126708 cited in IDS filed on 3/30/2004). Moreover, MMS messaging encompasses a wide range of content types making it easily adoptable for today's generation of mobile users and the message is a multimedia presentation in a single entry, making it much simpler and user-friendly. Therefore, it would have been obvious to one of ordinary skill in this art at the time the invention was made to use MMS messaging protocol and MMS messages for the reasons and motivations stated above.

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Regarding claim 22, Thakker discloses wherein the predetermined indicator comprises a keyword (col. 4, lines 17-28).

13. Claim 61 is rejected under 35 U.S.C. 103(a) as being unpatentable over Thakker in combination with Chern, as applied to claim 18 above, and further in view of Vatanen.

Regarding claim 61, Thakker in combination with Chern discloses the method of claim 4 (see above), but fails to disclose wherein the predetermined indicator comprises an encrypted indicator.

However, Vatanen discloses wherein the predetermined indicator comprises an encrypted indicator (paragraph [0006]).

Therefore, it would have been obvious to one of ordinary skill in this art at the time of invention by applicant to encrypt the indicator of Thakker in combination with Chern as suggested by Vatanen for the advantages of insuring that the message will not be visible in plain or unencrypted form to outsiders or unintended third parties (Vatanen: paragraph [0006]), hence, providing a more secure and safer transmission.

14. Claims 23-26, 28-31, 33-38, and 40-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kusunuki et al. (Pub. No.: US 2002/0026289) in view of Pyhalammi (cited in form PTO-892, paper no. 20060502).

Regarding claim 23, Kusunuki discloses a method of publishing content from a mobile device on a wireless network, the method comprising:

outputting a user interface on the mobile device (Figs. 1 and 12, reference 10a; paragraph [0089]; note the display screen); and

responding to a single-action user input directed to the user interface (Fig. 12, reference UPB; paragraph [0089]; note the upload button) by causing content to be transmitted from the mobile device to a remote processing system (Figs. 1 and 12, reference 50; paragraph [0089]) and stored in the remote processing system (paragraph [0089]), such that the content, when stored in the remote processing system, is available for transmission to a second device in response to a message from the second device (paragraph [0090]).

Kusunuki fails to specifically disclose the message conforming to an asynchronous messaging protocol for sending person-to-person messages between mobile devices.

However, in the same field of endeavor, Pyhalammi discloses the message conforming to an asynchronous messaging protocol for sending person-to-person messages between mobile devices (paragraphs [0033]-[0036]).

Therefore, it would have been obvious to one of ordinary skill in this art at the time of invention by applicant to conform the message of Kusunuki to an asynchronous messaging protocol for sending person-to-person messages between mobile devices as suggested by Pyhalammi for the advantages of being simpler, more reliable, independent, user-friendly, and widely available and acceptable, making it easily adoptable for today's generation of mobile users; in addition, that provides the advantage of including text, identification information or other information in the message (Pyhalammi: pages [0034]-[0035]).

Regarding claim 24, Kusunuki in combination with Pyhalammi fail to specifically disclose wherein the message is a multimedia messaging system (MMS) message. The combination does disclose that the message is an SMS message (Pyhalammi: paragraph [0034]), a well-known type of asynchronous messaging protocol.

However, the Examiner takes Official Notice of the fact that at the time the invention was made it was well-known in the art to use MMS messages since MMS has evolved from the popularity of the SMS and it's a standard for sending and receiving multimedia messages which can include any combination of formatted text, images, photographs, audio, and video clips. See e.g., Skog et al. (Pub. No. US 2002/0126708 cited in IDS filed on 3/30/2004).

Moreover, MMS messaging encompasses a wide range of content types making it easily adoptable for today's generation of mobile users and the message is a multimedia presentation in a single entry, making it much simpler and user-friendly. Therefore, it would have been obvious to one of ordinary skill in this art at the time the invention was made to use MMS messaging protocol and MMS messages for the reasons and motivations stated above.

Regarding claim 25, in the obvious combination, Kuzunuki discloses wherein the content comprises rich media content (paragraph [0089]).

Regarding claim 26, in the obvious combination, Pyhalammi discloses wherein the message is addressed using a telephone number (paragraph [0035]).

Regarding claim 28, Kuzunuki discloses a mobile device (Fig. 1, reference 10a) comprising:

- a communication interface to enable the mobile device to communicate over a wireless network (Fig. 2, references 10-1 and 10-2);

- a display device (Figs. 2 and 12, reference 10-8; paragraph [0018]);

- a processor (Fig. 2, reference 10-3); and

- a memory (paragraph [0056]) storing software which, when executed by the processor, causes the mobile device to output a user interface on the display device (Figs. 1 and 12,

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reference 10a; paragraph [0089]; note the display screen and the UPB button), and to respond to a single-action user input directed to the user interface from a user of the mobile device (Fig. 12, reference UPB; paragraph [0089]; note the upload button), by sending a command to the remote processing system (Figs. 1 and 12, reference 50) with the content (paragraph [0089]), the command instructing the remote processing system to store the content in association with a user of the mobile device (paragraphs [0089] and [0148]), for subsequent transmission by the remote processing system to a second device in response to a message from the second device (paragraph [0091]).

Kusunuki fails to specifically disclose the message conforming to an asynchronous messaging protocol for sending person-to-person messages between mobile devices.

However, in the same field of endeavor, Pyhalammi discloses the message conforming to an asynchronous messaging protocol for sending person-to-person messages between mobile devices (paragraphs [0033]-[0036]).

Therefore, it would have been obvious to one of ordinary skill in this art at the time of invention by applicant to conform the message of Kusunuki to an asynchronous messaging protocol for sending person-to-person messages between mobile devices as suggested by Pyhalammi for the advantages of being simpler, more reliable, independent, user-friendly, and widely available and acceptable, making it easily adoptable for today's generation of mobile users; in addition, that provides the advantage of including text, identification information or other information in the message (Pyhalammi: pages [0034]-[0035]).

Regarding claim 29, Kusunuki in combination with Pyhalammi fail to specifically disclose wherein the message is a multimedia messaging system (MMS) message. The

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combination does disclose that the message is an SMS message (Pyhalammi: paragraph [0034]), a well-known type of asynchronous messaging protocol.

However, the Examiner takes Official Notice of the fact that at the time the invention was made it was well-known in the art to use MMS messages since MMS has evolved from the popularity of the SMS and it's a standard for sending and receiving multimedia messages which can include any combination of formatted text, images, photographs, audio, and video clips. See e.g., Skog et al. (Pub. No. US 2002/0126708 cited in IDS filed on 3/30/2004).

Moreover, MMS messaging encompasses a wide range of content types making it easily adoptable for today's generation of mobile users and the message is a multimedia presentation in a single entry, making it much simpler and user-friendly. Therefore, it would have been obvious to one of ordinary skill in this art at the time the invention was made to use MMS messaging protocol and MMS messages for the reasons and motivations stated above.

Regarding claim 30, in the obvious combination, Kusunuki discloses wherein the content comprises rich media content (paragraph [0089]).

Regarding claim 31, in the obvious combination, Pyhalammi discloses wherein the message is addressed using a telephone number (paragraph [0035]).

Regarding claim 33, Kusunuki discloses a method of accessing published content from a mobile device on a wireless network, the method comprising:

outputting a user interface on the mobile device (Fig. 12, reference 10b; paragraph [0090]; note the display screen and the DN button); and

responding to a single-action user input directed to the user interface (paragraph [0090]; note the DNB) by requesting content from a remote processing system (Fig. 12, reference 50) using a first message (paragraph [0090]).

Kusunuki fails to specifically disclose the message, which conforms to an asynchronous messaging protocol for sending person-to-person messages between mobile devices.

However, in the same field of endeavor, Pyhalammi discloses the message conforming to an asynchronous messaging protocol for sending person-to-person messages between mobile devices (paragraphs [0033]-[0036]).

Therefore, it would have been obvious to one of ordinary skill in this art at the time of invention by applicant to conform the message of Kusunuki to an asynchronous messaging protocol for sending person-to-person messages between mobile devices as suggested by Pyhalammi for the advantages of being simpler, more reliable, independent, user-friendly, and widely available and acceptable, making it easily adoptable for today's generation of mobile users; in addition, that provides the advantage of including text, identification information or other information in the message (Pyhalammi: pages [0034]-[0035]).

Regarding claim 34, in the obvious combination, Kusunuki and Pyhalammi disclose wherein the first message causes the remote processing system to transmit the content to the mobile device in a second message (Kusunuki: paragraph [0090]; Pyhalammi: paragraph [0036]), but fail to disclose which conforms to said protocol.

However, Pyhalammi does disclose the first message conforming to SMS protocol and the second message conforming to MMS protocol; both well-known types of store and forward asynchronous messaging. Thus, suggesting both messages conforming to asynchronous

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messaging protocol for sending person-to-person messages between mobile devices. In addition, it was well-known in the art at the time of invention by application that MMS has evolved from the popularity of the SMS and it's a standard for sending and receiving multimedia messages which can include any combination of formatted text, images, photographs, audio, and video clips.

Regarding claim 35, in the obvious combination, Pyhalammi disclose wherein the second message is multimedia messaging system (MMS) messages (paragraph [0036]), but fail to disclose the first message is an MMS message. Pyhalammi does teach the first message is an SMS message (paragraph [0034]).

However, the Examiner takes Official Notice of the fact that at the time the invention was made it was well-known in the art to use MMS messages since MMS has evolved from the popularity of the SMS and it's a standard for sending and receiving multimedia messages which can include any combination of formatted text, images, photographs, audio, and video clips. See e.g., Skog et al. (Pub. No. US 2002/0126708 cited in IDS filed on 3/30/2004).

Moreover, MMS messaging encompasses a wide range of content types making it easily adoptable for today's generation of mobile users and the message is a multimedia presentation in a single entry, making it much simpler and user-friendly. Therefore, it would have been obvious to one of ordinary skill in this art at the time the invention was made to use MMS messaging protocol and MMS messages for the reasons and motivations stated above.

Regarding claim 36, in the obvious combination, Kuzunuki discloses wherein the content comprises rich media content (paragraph [0089]).

Regarding claim 37, in the obvious combination, Pyhalammi discloses wherein the message is addressed using a telephone number (paragraph [0035]).

Regarding claim 38, in the obvious combination, Kuzunuki discloses wherein the content has been previously published on the remote processing system by a publishing end user (Fig. 12, reference 10a; paragraph [0089]).

Regarding claims 40-44, which recites the mobile device version of claims 33-38, see rational as previously discussed above.

15. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kuzunuki in combination with Pyhalammi as applied to claim 23 above, and further in view of Zilliacus (cited in form PTO-892, paper no. 2050113).

Regarding claim 27, Kuzunuki in combination with Pyhalammi disclose the method as recited in claim 23 (see above), wherein in response to the single-action user input, the content is transmitted from the mobile device to the remote processing system in a message (Kuzunuki: paragraph [0089]), but fails to disclose that conforms to said asynchronous messaging protocol for sending person-to-person messages between mobile devices.

However, Zilliacus discloses a method wherein content is transmitted from the mobile device to a remote processing system in a message that conforms to said asynchronous messaging protocol for sending person-to-person messages between mobile devices (paragraph [0055]).

Therefore, it would have been obvious to one of ordinary skill in this art at the time of invention by applicant to transmit the content of Kuzunuki in combination with Pyhalammi in a message that conforms to said asynchronous messaging protocol for sending person-to-person

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messages between mobile devices as suggested by Zilliacus for the advantages of being simpler, more reliable, independent, user- friendly, and widely acceptable.

16. Claims 39 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kuzunuki in combination with Pyhalammi as applied to claim 38 above, and further in view of Randall et al. (hereinafter "Randall"; cited in form PTO-892, paper no. 20050113).

Regarding claim 39, Kuzunuki in combination with Pyhalammi disclose the method as recited in claim 38 (see above), but fail to disclose wherein the single-action user input is directed to an entry in the contact list corresponding to the publishing end user.

Randall discloses wherein the user interface comprises a contact list stored in the mobile device (paragraph [0491]), and wherein the user input is directed to an entry in the contact list corresponding to the publishing end user (paragraph [0493]).

Therefore, it would have been obvious to one of ordinary skill in this art at the time of invention by applicant to incorporate a contact list in the user interface of Kuzunuki in combination with Pyhalammi and wherein the single-action user input of Kuzunuki is directed to an entry in the contact list corresponding to the publishing end user as suggested by Randall for the advantages of providing selectivity to the user, is user-friendlier, quicker, and more convenient.

Regarding claim 45, which recites the mobile device version of claim 39, see rational as previously discussed above.

Conclusion

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marivelisse Santiago-Cordero whose telephone number is (571) 272-7839. The examiner can normally be reached on Monday through Friday from 7:30am to 4:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on (571) 272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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